

REMARKS

A. Status of Claims

Favorable reconsideration of this application as presently amended is respectfully requested. Claims 57-77 are pending. In this Amendment, claims 57, 59, 69 and 74 are amended. No new matter is added.

B. Compliance with 37 C.F.R. § 41.202(a)(1)

Further to the request in the Office Action that the Applicant submit material complying with 37 C.F.R. § 41.202(a)(1) through (a)(6), Applicant believes that such material was filed concurrently with the present application. For completeness, Applicant has attached a Claim Chart for the claims as currently pending to the present Amendment. For convenience, all column and line number references in the Claim Chart are to U.S. Patent No. 5,719,891, of which the present application is a divisional application and, which, therefore, has the same originally filed specification as the present application.

Claim 58 is identical to Claim 2 of U.S. Patent No. 5,903,588. Claims 60-68 are identical to Claims 4-12, respectively, of U.S. Patent No. 5,903,588. Claims 70-73 are identical to Claims 14-17, respectively, of U.S. Patent No. 5,903,588. Claims 75-77 are identical to Claims 19-21, respectively, of U.S. Patent No. 5,903,588. Claim 57 generally corresponds to Claim 1 of U.S. Patent No. 5,903,588 and only differ from each other by the above amendments to Claim 57. Claim 59 generally corresponds to Claim 3 of U.S. Patent No. 5,903,588 and these claims only differ from each other by the above amendments to Claim 59. Claim 69 generally corresponds to Claim 13 of U.S. Patent No. 5,903,588 and these claims only differ from each other by the above amendments to Claim 69. Claim 74 generally corresponds to Claim 18 of U.S. Patent No. 5,903,588 and these claims only differ from each other by the above amendments to Claim 69.

If Examiner believes that there is additional material that the Applicant should submit under 37 C.F.R. § 41.202(a)(1) through (a)(6), it is requested that the Examiner identify such material so that the Applicant will know which documents to submit.

C. Rejection of Claims 57-77 under 35 U.S.C. § 112, First Paragraph.

The rejection of Claims 57-77 under 35 U.S.C. § 112, second paragraph in Section 1 of the Office Action has been rendered moot by the above amendments to Claims 57, 59, 69 and 74.. The Examiner is thanked for pointing out the specific objectionable language. The claims have been amended to comply with the requirements of 35 U.S.C. § 112, first paragraph and to clarify the scope of the claimed invention.

D. Rejection of Claims 57-77 under 35 U.S.C. § 112, Second Paragraph.

At Section 2 of the Office Action, Claims 57-77 have been rejected under 35 U.S.C. § 112, as being indefinite. This rejection is traversed in part and rendered moot in part.

The structures of Claims 57-77 have been rejected based on the following grounds: (1) “[T]he claimed final laser structure includes method steps to selectively expose a portion of current blocking layer to define changed/oxidized and unchanged/nonoxidized region in the current blocking layer” and (2) “This is not a final product for laser structure because final product would have to be just the laser operable as shown in Figures 5A-5F, NOT the laser manufacturing process” (See Office Action, pp. 3-4). The above-quoted passages appear to indicate that one basis for rejecting claims 57-77 as being indefinite is that these claims include manufacturing steps in describing the claimed laser structure. However, product-by-process claims have long been recognized as being legally permissible as discussed in MPEP § 2113 which is entitled “Product-by-Process Claims.”

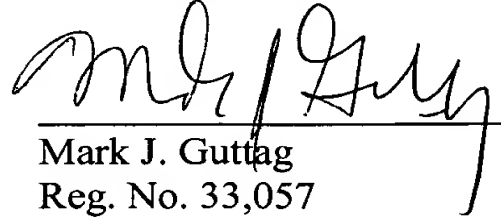
The specific rejections of Claims 57-68 and Claim 69 set forth on page 4 of the Office Action have been rendered moot by the above amendments to the claims.

For at least the above reasons, the rejections of Claims 57-77 under 35 U.S.C. § 112, second paragraph should be withdrawn.

If the Examiner has any questions or concerns regarding the present response, the Examiner is invited to contact Mark J. Guttag at 703-591-2664, Ext. 2006.

In view of the foregoing, it is respectfully submitted that all of the rejections be withdrawn.

Respectfully submitted,



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